

**REMARKS**

This Application has been carefully reviewed in light of the *Office Action*. Claims 1-4, 7-16, and 45-72 are pending in the Application and stand rejected. Claims 1, 45, 52, and 53 have been amended, and Claim 50 has been cancelled. Reconsideration and favorable action are requested.

**Claim Objection**

The *Office Action* objects to Claims 46 and 67-72 are under 37 C.F.R. § 1.75(c), stating that they are of improper dependent form for failing to further limit the subject matter of the previous claims. Applicants respectfully traverse.

Applicants respectfully submit that Claims 46 and 67-72 are allowable under 37 C.F.R. § 1.75(c) because they vary in scope from their respective independent claims. For example, dependent Claim 46 recites certain features not explicitly recited in independent Claim 45, such as “detecting, by the digital signal processor, any resulting signal in the receive channel to determine whether any components *in the combined channel* are malfunctioning.” (Emphasis added.) Similarly, Claims 67-72 recite certain features not explicitly recited in their respective independent claims, such as “determining *which, if any, of the components* in the transmit channel or receive channel are malfunctioning.” The M.P.E.P. states that “court decisions have confirmed applicant’s right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed, a mere difference in scope between claims has been held to be enough.” M.P.E.P. 706.03(k). At least because Claims 46 and 67-72 vary in scope from the independent claims from which they depend, Applicants respectfully request that the claim objections be withdrawn.

**Rejections Under 35 U.S.C. § 112**

The *Office Action* rejects Claims 50 and 52 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 50 has been cancelled and Claim 52 has been amended to address these rejections. Reconsideration and favorable action are requested.

**Rejections Under 35 U.S.C. § 102 and § 103**

The *Office Action* rejects Claims 45-54 and 68 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,974,363 issued to Gammel et al. ("*Gammel*"). The *Office Action*

rejects Claims 1, 2, 4, and 7-16 under 35 U.S.C. § 103(a) as being unpatentable over *Gammel* in view of U.S. Patent No. 6,229,814 to McMillian et al. ("*McMillian*") and further in view of U.S. Patent Application Pub. No. 2002/0118819 by Li ("*Li*"). The *Office Action* rejects Claims 55-62, 64-67, and 69-72 under 35 U.S.C. § 103(a) as being unpatentable over *Gammel* in view of *McMillian*. The *Office Action* rejects the remaining dependent claims as being unpatentable over *Gammel* and other references. Applicants respectfully traverse these rejections.

Applicants respectfully submit that independent Claim 55 is allowable at least because *Gammel* and *McMillian*, as well as the combination of *Gammel* and *McMillian* proposed by the Examiner, fail to disclose, teach, or suggest, expressly or inherently, elements specifically recited in Applicants' claims. For example, the *Gammel-McMillian* combination fails to disclose, teach, or suggest the following recited in Claim 55:

wherein the receive channel comprises one or more filters and a filter bypass, and further comprising selecting, by a second switch, a path for the resulting signal through either one of the filters or the filter bypass;

The *Office Action* points to Figure 1 of *Gammel* to teach the above portion of Claim 55. (*Office Action*, page 11.) This is incorrect, however, because while the cited Figure may disclose a transmit and a receive filter, it discloses neither "a filter bypass" nor "selecting, by a second switch, a path for the resulting signal through either one of the filters or the filter bypass" as recited in Claim 55. *McMillian* fails to cure this deficiency. Consequently, the *Gammel-McMillian* combination fails to disclose, teach, or suggest "wherein the receive channel comprises one or more filters and a filter bypass, and further comprising selecting, by a second switch, a path for the resulting signal through either one of the filters or the filter bypass" as recited in Claim 55.

For at least these reasons, independent Claim 55 and its dependent claims are allowable. For analogous reasons, independent Claims 1, 45, 60, 65, and 66 and their dependent claims are also allowable. Accordingly, Applicants respectfully request reconsideration and allowance of all pending Claims.

#### **No Waiver**

All of Applicants' arguments are without prejudice or disclaimer. Applicants reserve the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the

Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the rejections.

**CONCLUSION**

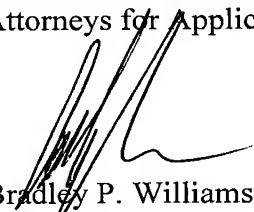
Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, please feel free to contact the undersigned attorney for Applicants.

Applicants believe no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any other fees and/or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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